

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

RAINBOW POPCORN COMPANY,)	
INC., a Nebraska Corporation,)	
)	
Plaintiff,)	7:06CV5015
)	
v.)	
)	
INTERGRAIN SPECIALTY)	MEMORANDUM AND ORDER
PRODUCTS, L.L.C., an Indiana)	
Limited Liability Company,)	
ALMCO, INC., an Indiana)	
corporation, and JOHN)	
WALTHALL, an Individual,)	
)	
Defendants.)	
)	

Both sides in this case have filed motions to compel discovery responses. Both motions refer to interrogatories and requests for production of documents filed in the course of written discovery. Both the discovery requests and the responses are voluminous, and the parties' disputes as to the adequacy of one another's responses have generated an even greater volume of paper, emails, documents, and vitriol.

Plaintiffs' brief in response to the defendants' motion complains that defendants' counsel did not personally confer with plaintiffs' counsel before the filing of the defendants' motion to compel. Ironically, however, plaintiffs' motion suffers from the same inadequacy. Although it is clear that counsel have, indeed, communicated at length about their disagreements at some points long prior to the filing of the motions, it is also apparent that their positions on the various interrogatories and requests for production are like the proverbial "ships passing in the night." Actual conversation could go far in resolving these matters.

I shall have counsel attempt another time to confer either in person or by phone to resolve as many of their disagreements as they can, after which I shall resolve the remaining contested matters.

IT THEREFORE HEREBY IS ORDERED,

Counsel are given until the close of business on or before September 10, 2007 to confer by telephone or in person and then file (1) a joint, supplemental statement advising the court of the date, time, and means of conversing, and advising the court of which matters have been resolved and which remain for resolution by the court; and (2) supplemental briefs on those matters remaining in dispute, not to exceed fifteen pages each. Both motions shall be deemed submitted at the close of business on September 10, 2007.

DATED this 21st day of August, 2007.

BY THE COURT:

s/ *David L. Piester*

David L. Piester
United States Magistrate Judge